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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,071	06/25/2003	Satoshi Murakami	0553-0370	1580

7590 09/16/2004
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EXAMINER

WILSON, ALLAN R

ART UNIT	PAPER NUMBER
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2815

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,071

Applicant(s)

MURAKAMI, SATOSHI

Examiner

Allan R. Wilson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 19-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-11, 13-17 and 29-33 is/are rejected.
- 7) ☒ Claim(s) 6, 12 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>08/03/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 7, 8, 13, 14 and 29-33 are rejected under 35 USC § 102(b) as being anticipated by Iwanaga et al. (“Iwanaga”) U.S. Patent No. 6,150,692.

With regards to claims 1, 7, 13, 29-31 and 33, Iwanaga illustrates in figures 1A-10, particularly figures 1F and 5, (entire document) a plurality of pixels provided with light emitting elements 57; and a thin film transistor 56 and a pixel electrode electrically connected to the thin film transistor provided at each of the plurality of pixels, wherein an insulating film 5 is provided over the thin film transistor 4 and the pixel electrode 8 is provided over the insulating film, and wherein the insulating film includes an opening portion, a side surface of which is curved at a light emitting region.

With regards to claims 2, 8 and 14, Iwanaga discloses in col. 8, lines 18-21, the pixel electrode comprises an oxide conductive film ITO.

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With regards to claim 32, Iwanaga illustrates in fig. 1F the device further comprises a data wiring 6, and the opening portion is formed along with the data wiring.

Claims 1, 3, 7, 9 13, 15, 29-31 and 33 are rejected under 35 U.S.C. § 102(e) as being anticipated by Yamanaka et al. ("Yamanaka") U.S. Patent No. 6,346,718.

With regards to claims 1, 7, 13, 29-31 and 33, Yamanaka illustrates in figures 1-25(17), particularly figure 25(17), (entire document) a plurality of pixels provided with light emitting elements (PIXEL UNIT); and a thin film transistor (nMOS LDD-TFT) and a pixel electrode 28A electrically connected to the thin film transistor provided at each of the plurality of pixels, wherein an insulating film 28 is provided over the thin film transistor and the pixel electrode is provided over the insulating film, and wherein the insulating film includes an opening portion a side surface of which is curved at a light emitting region.

With regards to claims 3, 9 and 15, Yamanaka discloses in col. 24, lines 38-40, the insulating film 28 is a photosensitive resin film.

Claims 1, 4, 5, 7, 10, 11, 13, 16, 17, 29-31 and 33, are rejected under 35 USC § 102(b) as being anticipated by Kemmochi et al. ("Kemmochi") U.S. Patent No. 6,252,297.

With regards to claims 1, 7, 13, 29-31 and 33, Kemmochi illustrates in figures 1-11B, particularly figure 1, (entire document) a plurality of pixels provided with light emitting elements (array); and a thin film transistor (gate electrode 42) and a pixel electrode 54 electrically connected to the thin film transistor provided at each of the plurality of pixels, wherein an insulating film 52 is provided over the thin film transistor and the pixel electrode is provided over the insulating film, and wherein the insulating film includes an opening portion C, a side surface of which is curved at a light emitting region.

With regards to claims 4, 5, 10, 11, 16 and 17, Kemmochi discloses in col. 3, lines 6-8, the opening portion has a shape of a groove (rectangular) or a circular shape.

Allowable Subject Matter

Claims 6, 12 and 18 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 08/03/2004 have been fully considered but they are not persuasive.

The argument that “Iwanaga illustrates in Fig. 5 a plurality of pixels provided with light emitting elements at reference numeral 57, reference numeral 57 actually indicates a pixel electrode” is not persuasive. Examiner agrees reference numeral 57 indicates a pixel electrode, but the pixel electrode is a light emitting element in Iwanaga. Reference numeral 57 is where the pixels are provided with light emitting elements as claimed.

The argument that “both Iwanaga and Kemmochi disclose use of an ‘incident light’ for displaying an image” is not persuasive. Both Iwanaga and Kemmochi use an incident light, but they still are light emitting devices. Liquid crystal displays emit light.

The argument that “Yamanaka does not disclose the feature of an opening portion a side surface of which is curved at a light emitting region” is not persuasive. Yamanaka clearly illustrates in fig. 25(17) the insulation film 28 includes an opening portion (over 4), a side

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surface of which is curved at a light emitting region. Iwanaga also illustrates in figs. 1F the insulation film 5 includes an opening portion 8, a side surface of which is curved at a light emitting region. Kemmochi also illustrates in fig. 1 the insulation film 52 includes an opening portion C, a side surface of which is curved at a light emitting region.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from an examiner should be directed to Primary Examiner Allan Wilson whose telephone number is (571) 272-1738. Examiner Wilson can normally be reached 7:00-4:00 Monday-Thursday and 6:00-3:00 on Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on (571) 272-1664. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'A. Wilson', with a long horizontal flourish extending to the right.

Allan R. Wilson
Primary Examiner
1 September 2004